

**AN ORDINANCE BY****THE FINANCE AND EXECUTIVE COMMITTEE****AN ORDINANCE AMENDING CHAPTER 114, ARTICLE IV, DIVISION 12, SECTION 114-379 OF THE CITY OF ATLANTA CODE OF ORDINANCES ENTITLED "LAYOFF OR REDUCTION IN FORCE" SO AS TO PROVIDE FOR THE USE OF THE VETERANS' PREFERENCE AUTHORIZED BY SECTION 114-207 DURING THE CALCULATION OF RETENTION POINTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the City of Atlanta has an interest in supporting returning war veterans in employment determinations in an attempt to recognize their service, sacrifice, and skills; and

**WHEREAS**, O.C.G.A §45-2-20, et seq, entitled Veterans' Civil Service Preference, requires the consideration of veterans' preference in employment with the state government or any political subdivision thereof; and

**WHEREAS**, Section 114-207 of the Code of Ordinances City of Atlanta, Georgia, bestows on war veterans preference points in matters of employment hiring and retention calculations; and

**WHEREAS**, Section 114-207, entitled Veterans' Preference, provides that:

**Sec. 114-207 – Veterans' Preference**

- (a) Any veteran who has served on active duty as a member of the armed forces of the United States for a period of more than 180 days, not counting service under an initial period of active duty for training under the six months reserve or National Guard program, any portion of which service occurred during a period of armed conflict in which any branch of the armed forces of the United States engaged, whether under United States command or otherwise, and who was honorably discharged there from shall, upon submitting documentary proof of such discharge, be entitled to have added to such person's minimum qualifying score on an open competitive examination veteran's preference points, noncumulative, as set forth in this section.
- (b) For purposes of this section, the term "armed conflict" includes any military intervention beyond the limits of the United States as well as

any confrontation of the armed forces of the United States with foreign nationals in which actual hostilities erupt.

- (c) The rank order of such veteran among other eligibles shall be determined on the basis of their augmented rating. Such preference shall be allowed on entrance examinations and in reinstatement, reemployment or retention, but shall not be allowed on promotional examinations. Points shall be allowed as follows:

(1) Such veteran shall be entitled to have five points added to the earned rating of such veteran.

(2) Such veteran who has at least ten percent service-connected disability, as rated and certified by the Veterans' Administration, shall be entitled to have ten points added to the earned rating of such veteran.

(3) The unmarried spouse of any deceased veteran shall be entitled to have ten points added to the earned ratings of such unmarried spouse.

**WHEREAS**, Section 114-379 of the City of Atlanta Code of Ordinances currently does not provide for the inclusion of Veterans' Preference points in the calculation of retention points for Layoff or Reduction in Force; and

**WHEREAS**, the City of Atlanta has an interest in employing veterans and making use of their training and skills which would positively affect the residents of the City of Atlanta.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** That Chapter 114, Article IV, Division 12, Section 114-379 (g) of the City of Atlanta Code of Ordinances, which currently reads:

**Sec. 114-379 Layoff or Reduction in Force.**

- (g) Within the area of the RIF, each affected class will be dealt with separately. Before regular employees in a job class can be demoted or separated, all temporary and probationary employees in the affected class will be separated. Employees serving a probationary period after a promotion shall compete in the class from which they were promoted. All individuals within each affected class will compete for the remaining positions in that class based on retention points. Individuals not selected to be retained in the remaining positions will be placed in a RIF pool in priority order based on retention points. Retention points will be determined by two factors: length of service and performance evaluation. Individuals in the RIF pool will be placed in vacant funded classified positions for which they qualify throughout the city based on

their retention points. However, no employee will receive a promotion as a result of this procedure. Individuals for which no position can be found will be separated.

be deleted in its entirety and replaced with the following:

**Sec. 114-379 Layoff or Reduction in Force.**

- (g) Within the area of the RIF, each affected class will be dealt with separately. Before regular employees in a job class can be demoted or separated, all temporary and probationary employees in the affected class will be separated. Employees serving a probationary period after a promotion shall compete in the class from which they were promoted. All individuals within each affected class will compete for the remaining positions in that class based on retention points. Individuals not selected to be retained in the remaining positions will be placed in a RIF pool in priority order based on retention points.

**SECTION 2:** That Chapter 114, Article IV, Division 12, Section 114-379 (h) of the City of Atlanta Code of Ordinances, which is currently reserved, shall be amended such that it shall read as follows:

**Sec. 114-379 Layoff or Reduction in Force.**

- (h) Retention points will be determined by three factors: length of service, performance evaluation and veterans' preference pursuant to Section 114-207. Individuals in the RIF pool will be placed in vacant funded classified positions for which they qualify throughout the city based on their retention points. However, no employee will receive a promotion as a result of this procedure. Individuals for which no position can be found will be separated.

**SECTION 4:** All ordinances or parts of ordinances and resolutions, in conflict with this ordinance are hereby repealed, to the extent of the conflict.

**SECTION 3:** This Ordinance shall be and become effective immediately upon and after its passage and publication as required by governing law.

**TRANSMITTAL FORM FOR LEGISLATION**

**TO: MAYOR'S OFFICE**

**ATTN: Candice Byrd**

**Legislative Counsel (Signature):** Amber Robinson / Tressa Marryshow

**Contact Number:** (404) 330-6206

**Originating Department:** Department of Law

**Committee(s) of Purview:** Finance and Executive Committee

**Council Deadline:** April 30, 2010

**Anticipated Committee Meeting Date(s):** May 12, 2010, June 2, 2010

**Anticipated Full Council Date:** June 7, 2010

**Commissioner Signature** \_\_\_\_\_  
**Jerry L. De Loach**

**Chief Procurement Officer Signature** N/A

**CAPTION**

**AN ORDINANCE AMENDING CHAPTER 114, ARTICLE IV, DIVISION 12, SECTION 114-379 OF THE CITY OF ATLANTA CODE OF ORDINANCES ENTITLED "LAYOFF OR REDUCTION IN FORCE" SO AS TO PROVIDE FOR THE USE OF THE VETERANS' PREFERENCE AUTHORIZED BY SECTION 114-207 DURING THE CALCULATION OF RETENTION POINTS; AND FOR OTHER PURPOSES.**

Financial impact (if any): N/A

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)